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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,848	02/27/2004	Toshiyuki Kawakami	245402008500	8489
25226	7590	12/22/2005		
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			EXAMINER NGUYEN, TUAN N	
			ART UNIT 2828	PAPER NUMBER

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,848

Applicant(s)

KAWAKAMI ET AL.

Examiner

Tuan N. Nguyen

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all obviousness rejections set forth in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being unpatentable over Paoli (US 5699375).

With respect to claims 1, 2 Paoli '375 discloses multi-wavelength laser device (Title; ABSTRACT)(Col 2: 50-60) comprising at least two of a blue laser diode, a red laser diode, and an infrared laser diode (Col 6: 15-40: IR and red wavelength), which are arranged in the same direction on the same base (Fig 1: 102 base), wherein laser light emission points of the diodes are arranged with one behind another in a light emitting direction (Fig 1: 130, 140 laser beam output 140 is behind laser output 130) in increasing order of wavelengths of the laser diodes (Col 20: 15-22 the second wavelength is longer than the first wavelength); where said at least two laser diodes are formed monolithically on the same substrate (Fig 1: 102 substrate).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or non-obviousness.
4. Claims 3, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paoli (US 5699375).

With respect to claims 3, 7, 8 Paoli '375 discloses the above, the claims further require at least two laser diodes are mounted on said base using respective solders with different melting points and/or increasing order of the melting point. Paoli '375 did not discretely disclose about the solder melting points of each laser, however the lasers were process with different structure and materials (Col 3-4)(Fig 1: laser 130 having layers 106, 108, 110, 112, 114, 116, 118 122, while laser 140 having layers 106, 108, 110, 113, 114, 116, 122). It is within one skill in the art to recognize since crystalline silicon film having different melting point, and by forming different laser structure will require different melting point to bond the materials together. Since claim 8 recites the same or identical elements/limitations it is inherent to use patents ('375) to recite the method of manufacturing multiple laser device, product by process.

With respect to claim 6, Paoli '375 discloses wherein each of said diodes is mounted with its p-side down (Col 12: 35-40 discloses the composition structure of the laser with p-doped material).

Art Unit: 2828

5. Claims 4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paoli (US 5699375) in view of Paoli (US 5963568).

With respect to claims 4, 5 Paoli '375 discloses the above, the claim further require the said base is provided with a cut for ensuring passage of laser light from each of said laser diodes Paoli '568 shows a cut at the base between the two laser lights (Fig 1: 34 a cut).

Citation of Pertinent References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is cited primarily to show the product of the instant invention.

Miyabe et a. (US 2004/0028097), Nemoto (US 6893888), Lemoff et al. (US 6259121).

Communication Information

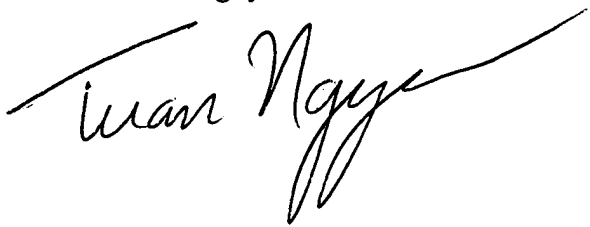
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N Nguyen whose telephone number is (571) 272-1948. The examiner can normally be reached on M-F: 7:30 - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey Minsun can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2828

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan N. Nguyen

A handwritten signature in black ink, appearing to read "Tuan Nguyen", with a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to read "James M. Moore", with a stylized, cursive script.